

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 10, 2007

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No. 06-11372  
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Charles R. Fulbruge III  
Clerk

JOHN OGLESBY

Plaintiff-Appellant

v.

AT&T CORP; AT&T PENSION PLAN

Defendants-Appellees

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Appeal from the United States District Court for the  
Northern District of Texas, Dallas Division  
USDC No. 3:05-cv-00434  
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Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant John Oglesby appeals the decision of the district court rejecting his argument that Defendants-Appellees AT&T Corp. and AT&T Pension Plan are required to undo his election of a beneficiary for his pension plan based on the annulment of his marriage to the beneficiary. The district court reasoned that because Oglesby had begun receiving benefits under the plan, his beneficiary election was irrevocable. Therefore, Oglesby's former wife could not waive her future interest in the plan.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Having reviewed the briefs and pertinent parts of the record in light of this court's recent decision in *Kennedy v. Plan Administrator for Dupont Savings & Investment Plan*, 497 F.3d 426, 429–31 (5th Cir. 2007), which applied ERISA's anti-alienation provision to pension funds and ruled that a beneficiary cannot waive her future benefits in a plan, we affirm the district court's decision.

AFFIRMED.